

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

KEVIN JOHN WATT,

Petitioner,

vs.

SCOTT R. FRAKES, Director; and
MICHELE WILHELM, Warden;

Respondents.

8:20CV493

ORDER

This matter is before the court on its own motion. On April 21, 2021, the court received documents from Petitioner captioned “Motion for Summary Judgment (Reply),” “Designated State Court Records in Support of Motion for Summary Judgment,” and a “Brief in Support of Motion [for] Summary Judgment (Reply).” (Filing 16.) The court has docketed and will construe the documents as Petitioner’s brief and response in opposition to Respondent’s summary judgment motion (filing 11). To the extent Petitioner may have intended to file a cross-motion for summary judgment in response to Respondent’s summary judgment motion, such a filing is not permitted by the court’s prior progression order which specifically directed Petitioner to “file and serve a brief in opposition to [Respondent’s] motion for summary judgment” and to “not submit other documents unless directed to do so by the court.” (Filing 6 at CM/ECF p. 5, ¶ 3.D.)

IT IS THEREFORE ORDERED that:

1. The court will treat Petitioner’s filing received on April 21, 2021 (filing 16) as his brief and response in opposition to Respondent’s motion for summary judgment.

2. Respondents have until **May 21, 2021** to file and serve their reply brief. In the event that Respondents elect not to file a reply brief, they should inform the court by filing a notice stating that they will not file a reply brief and that the motion is therefore fully submitted for decision.

3. The clerk of the court is directed to set a pro se case management deadline in this case using the following text: **May 21, 2021**: check for Respondents' reply brief.

Dated this 22nd day of April, 2021.

BY THE COURT:



Richard G. Kopf
Senior United States District Judge